

RAILS MUST BE REMOVED

The Tramways Co. Is Worsted Again.

(From Saturday's Daily.)

As was expected, Judge Gear yesterday decided the case of J. H. Boyd, Superintendent of Public Works, vs. Hawaiian Tramways Co. and W. H. Pain in favor of the plaintiff. He said that he believed the case of the Rapid Transit Co. vs. the Tramways had not been decided right, and that had it been brought before him originally he would have decided it differently. He intimated also that this case would have been decided in favor of Pain, but that the defendant's attorney had stated that the decision of the Supreme Court was binding and he would therefore not question the authority.

"The court is at a loss," said Judge Gear, "to understand why the defendant came into this court, the defendant's attorney admitting that the court is bound by the decision of the Supreme Court in a former case. The girder rails were laid on the supposed authority of the Minister of the Interior, and not by the permission of the Legislature. It appears beyond dispute that the rails laid are not being used for the running of the tram cars, and there is nothing to do but to grant the prayer of the petitioner. I will state, however, that I think I should not have decided the first case in the way it was, had it been brought before me originally."

KUNST-PAIN CASE.

Judge Gear also overruled the demurrer and plea in bar in the case of Gustav Kunst, assignee of Bishop & Co., vs. W. H. Pain and Mrs. Elise Neumann, executrix, and gave the defendant ten days to answer. Mrs. Neumann set up upon demurrer the fact that no claim had been filed by plaintiff within the required year against her husband's estate. The court held that this suit was not for foreclosure of mortgage, but to enforce judgment and that Mrs. Neumann's interest in the property was subject to the lien of the judgment. The demurrer was overruled and the court held that it was not necessary to make a claim on the estate, when it was simply sought to put into effect the decree already made.

KAHANU'S WILL SET ASIDE.

Judge Gear rendered a decision yesterday setting aside the will of David Kahanu, who left property worth \$5000 to Kalaialaki, a native woman, and her husband, who were mere acquaintances. The contestants are the widow and son of the deceased, and were cut off without a penny. The court held that it was incumbent upon the proponents to show that no undue influence had been exercised upon the testator, but that had not been proven. The court stated further that the evidence showed that Kahanu had wished to make some bequest to his wife and son, which was not done. The will was declared null and void and the probate denied. This would throw the property to the relatives, who are the widow and son David, cutting off Kalaialaki entirely.

SENO ACQUITTED.

Seno, a Japanese woman who was accused of stealing a pearl stone pin from Fannie Merton, was acquitted by a jury in Judge Robinson's court yesterday afternoon.

TODAY'S BUSINESS.

Three divorce cases are set for trial before Judge Robinson this morning. In the afternoon regular jury business will be taken up, a criminal case being set for trial. Next week Judge Humphreys will sit in chambers.

A VERDICT OF GUILTY.

Yesterday morning the jury returned a verdict of guilty in the case of John Waihaio, charged with stealing a ten-dollar pair of gold cuff buttons from R. Wylie Davis. The defendant had already been in prison six weeks and sentence was suspended until the August term of court.

CHINESE APPEAL.

Formal notice of appeal was filed yesterday in the case of Territory of Hawaii vs. C. K. Ai et al. This is the United Chinese Society suit in which Judge Gear found in favor of the Bow Wongs.

COURT NOTES.

The Pail divorce case, assigned to Judge Humphreys by Judge Robinson, has been reassigned by the former to the third Judge.

A plea of abatement has been filed in the case of Hoffman and Riley vs. J. H. Fisher, foreclosure of mechanic's lien. Defendant claims that the complaint is illegal and irregular and does not comply with the law, and asks that it be quashed.

A mechanic's lien for \$49.50 was filed yesterday by Hackfeld & Co. vs. J. H. Fisher.

The annual account of August Ahrens and F. W. Macfarlane as guardians of George Richardson was filed yesterday. The income for the past year was \$11,445.84, and the disbursements \$268.09, leaving a balance for the year of \$11,177.75. The inventory shows securities held by the guardians amounting to \$53,377.50. Among these are \$6000 of O. R. & L. Co. bonds and \$1000 in Ewa Plantation Co. bonds.

An amended complaint, alleging desertion, has been filed in the divorce case of Mary Harbub vs. E. L. Harbub. The bond in \$5000 of Fred Harrison in the Ferreira habeas corpus case was cancelled yesterday, and a new one filed, signed by Harrison, F. Ferreira and Mary Ferreira.

It is reported among the Home Rulers that Wilcox will be sidetracked at the end of his term and that A. S. Humphreys will be nominated for Delegate in Congress in his place. Humphreys, it is said, will soon resign his judgeship. The prevailing rumors go so far as to say that an effort will be made to put Wilcox in a fat billet in one of the Territorial Departments.

KANEWALU LEAD AWAY

Many Tributes to the Lamented Editor.

Beautiful and impressive were the tributes offered to the memory of the late David Kanewalu by his former school associates, the teachers and pupils of the Kamehameha schools, while the casket lay in state in the Bishop Memorial Chapel, half concealed beneath masses of exquisite blossoms and floral pieces. Evidences of the high esteem in which the talented young man was held were conspicuous in the large attendance of people in all walks of life who filled the beautiful edifice and the large number of classmates and business associates who followed the remains from the Kamehameha School chapel to the Kawaiahaeo cemetery, walking the entire distance to the sound of the drum. Both at the chapel and at the grave the exemplary life led by the young man, his opening career and the loss which the community has to bear in his death, were told of by many speakers, all ending with the sweet, sad notes of "Taps," blown by the bugler of the cadet corps of the school.

The funeral took place shortly after 2 o'clock. The casket reposed at the foot of the platform, surrounded and covered with beautiful flowers in bouquets, floral pieces and in the aisle so close to the heart of the Hawaiian. Resting upon the casket conspicuous amongst many other flowers was a pillow of white buds with "Kuokoa" formed of red flowers, the token of the Gazette Company and its employees. Above was a beautiful anchor of lilacs and greens. The father and mother, the little orphaned girl of the deceased and other relatives occupied places near the casket. Behind were the members of the Kamehameha Alumni Association of which the deceased was a member. Representatives of the Gazette, Kuokoa, Advertiser and other branches of the Gazette Company's business sat in the center of the chapel. At the rear of the auditorium were the uniformed cadets of the boys' schools. The loft was occupied by the regular chapel choir. The pupils of the Girls' School were also seated in the body of the church. Seats in the transept were occupied by the trustees of the E. P. Bishop estate and friends of the deceased. Upon the platform were Principal Dyke, Hon. Fred W. Beckley, Principal U. Thompson of the Manual School, Rev. Mr. Lono, David Al, Mr. Fukumura, Dr. W. B. Ekin and C. E. King. The order of exercises was as follows:

"In the Blessed Land of Heaven" Choir Prayer Rev. Al Scripture Reading Rev. Mr. Lono "Only Remembered" Kamehameha Alumnae Address Mr. Fukumura "Nearer, My God, to Thee" Kamehameha Alumni Address Mr. Thompson Address Mr. Beckley "Lift Thine Eyes" Kamehameha Girls' School Address Rev. Mr. Al "Rock of Ages" Choir Benediction Dr. W. B. Ekin

The address of Mr. Fukumura, representing the Kamehameha Alumni, was as follows:

To the bereaved parents and friends and the teachers of the Kamehameha Schools, we, the representatives of the Kamehameha Alumni Association present, feel sorely at heart the loss of our beloved brother, David Kanewalu, who lies in our midst.

In behalf of the body I represent I extend to you our most hearty sympathy and condolence and unite with you in mourning the loss of no truer friend than he had been to us.

We as a whole had earnestly prayed that he be longer spared us in life's struggle, but since it has pleased the Almighty to remove him from our midst to a higher plane, we bow our heads and say with sorrow, "Thy will be done." I have the honor to speak a few words in touch with our lost comrade's life.

Though he was still at an early stage of manhood, being only 26 years old, yet the success he has met in life has given him a most promising future. His attainment to a high standing of manhood started from the Kamehameha Manual School.

As one of his classmates I have always looked up to him as the flower of our class, being among the brightest in studies, always kind, generous and worthy of confidence. During the eight years that have passed since we, the class of '94, came out and joined ourselves with the rest of the world, the deceased has done much to his credit. He began an active life from our midst to a higher plane, we bow our heads and say with sorrow, "Thy will be done." I have the honor to speak a few words in touch with our lost comrade's life.

His last call to hold office was to fill the editorship of the Hawaiian paper, Kuokoa. Many praises have been uttered of his ability in managing the paper. Under his editorship the paper grew more in popularity and circulation. I remember the occasion when he spoke to me when he began working for the paper. He said he would have to know a great deal more of the Hawaiian language, and felt at the time quite incompetent, but the surprising work he did proved that he went at it with his whole mind earnestly, and mastered the difficulty with success.

Step by step he has succeeded and I should not wonder had he lived he would have fulfilled higher calls in life.

His untimely death has caused him to do no more in this life and I am sorry to say that he leaves a little girl fatherless, parents with stricken hearts, and hosts of friends to mourn his loss. We pray God on high to ease our sorrows by remembering that the great Father has prepared a better place for him.

Principal Thompson said he had never heard that the deceased had any faults and he had never seen any. He expressed deep regret in the loss of David Kanewalu, both for his own sake and for the sake of the people of

HONOLULU'S CELEBRATION OF NATION'S BIRTHDAY

Enthusiastic Meeting Starts Work for an Elaborate Series of Events on Fourth of July.

WHEN Honolulu has celebrated the Fourth of July, 1902, there will be little left in the way of adding evidence as to the enthusiasm and patriotism of the people of the city. This was assured by the meeting held in the old throne room of the Executive building yesterday and the subsequent gathering in the office of the Governor, at which members of the committee which will have charge of the affair were named.

There was a representative gathering present when Governor Cooper called the meeting to order, and from that moment there was no doubt of the intention of everyone present to make the day one of the most memorable in the history of the city. The remarks all indicated the desire to have the day full of events, and that these comprise not only sports and parades, but social functions which will give the people an opportunity to come together. As a result of the meeting the following have been chosen to have control of the day's events:

Executive committee—Henry B. Cooper, chairman; C. M. Cooke, J. B. Atherton, E. Faxon Bishop, W. F. Allen, Cecil Brown, J. A. Kennedy, J. A. Gilman, Samuel Parker, David Kawanakoa, J. W. Jones, A. E. Murphy and W. R. Farrington.

Finance committee—C. M. Cooke, chairman; W. O. Smith, J. H. Fisher and J. A. Gilman.

Decorations committee—A. E. Murphy, chairman; W. W. Dimond and Clarence Crabbe.

Literary committee—W. R. Farrington, chairman; W. H. Hoogs, Allan Dunn and Wray Taylor.

Sports committee—David Kawanakoa, chairman; F. C. Church, Lorrin Andrews, W. W. Harris, J. L. Torbert and W. H. Babbitt.

Fireworks and illuminations committee—J. A. Kennedy, chairman; A. G. Gentry, W. Frazee.

Parade and salutes committee—J. W. Jones, chairman; C. J. McCarthy and J. H. Fisher.

Ball and reception committee—Samuel Parker, chairman; F. C. Smith, W. P. Boyd, Marston Campbell, M. E. Grossman and G. H. Paris.

That the work may be put under way at once there will be meetings of the committees named at the Executive building this afternoon at 2 o'clock, and they will then organize and get down to work and fill their committees where there should be more men to take care of the duties of the various subdivisions of the general body.

When the meeting was called to order Governor Cooper asked for a permanent organization, and on motion of J. B. Atherton the temporary officer was made permanent chairman, and later J. A. Gilman was elected secretary.

Governor Cooper asked if there were representatives of any past committees present who might report upon the progress of funds in their hands. For W. O. Smith, A. Lewis, Jr., reported that the Fourth of July committee of 1900 had in its hands a sum of \$350, which was at the disposal of the committee which will have charge of the celebration this year. The committee, he said, would be happy to turn this sum over to a new committee.

C. M. Cooke said that as chairman of the committee which had in charge the finances of the celebration of the inauguration of the Governor on June 14, 1900, he would report that there was a balance of \$500 in his hands which he would gladly turn over if there could be held a meeting of the members of that committee which would authorize the transfer.

J. B. Atherton said that the committees were several and that either the whole body or the executive com-

mittee should meet and thus make the transfer legal. He read the names of the committees and later called the roll, finding present and approving the transfer the following: Governor Cooper, W. O. Smith, J. H. Fisher, J. W. Jones and J. B. Atherton, who said also that he could speak for William Mutch. It was decided that the other members of the committee should be seen and asked to consent to the transfer.

J. W. Jones then moved that there be appointed a committee of fifteen which should have general charge of the celebration of the day.

Judge Humphreys moved to amend that the chairman of the committee have the power to add to the membership for the purpose of meeting the demands of the work of the committee. This was agreed to by the maker of the motion and the second, and the result was that the motion as amended went through. On motion it was provided that the committees should be made known through The Advertiser and a meeting of the body called for this afternoon.

Governor Cooper said that a suggestion had been made to him which seemed most appropriate, that there should be an executive reception during the day and evening. This, he said, would give an official tone to the day's doing and would offer an opportunity for the Executive to meet and exchange the compliments of the day with the people. Such an event, he remarked, would bring the people together and would make it a more proper recognition of the day and its importance. If there was to be a ball he suggested that there might be a reception prior to it, or if desirable it could be held earlier in the day. The day was one, he said, when both the Executive and the first Judge of the First Circuit might read the Declaration of Independence without giving offense to either.

Governor Cooper said he thought there should be some such action, as the function could be carried through economically by the Government. He thought the reception should be followed by a ball. He believed there was not enough of that sort of thing; that the people should meet more frequently. If the reception could not be given in a dignified manner, he said, then it should not be given at all. There was an appropriation for such functions of \$5000 for two years, and he thought the government could do as it did on the occasion of the inauguration, give a lump sum of \$1000. He could not pledge the Government, and said the Treasurer would have to answer, but Mr. Wright, who was present, kept a discreet silence.

Mr. Coelho said that he thought there should be set aside a sum for the purpose of having a celebration for the lepers of the settlement. He thought this would be the proper thing to show the aloha of the people for the unfortunate. The Governor said that there would without doubt be sufficient contributions made for this purpose. The meeting then adjourned and with the advice of several persons there were appointed the committees named above, for the work of the preparations for the day. The following were among those present:

C. M. Cooke, J. B. Atherton, J. A. Gilman, M. Phillips, E. R. Stackable, Mr. Brown, L. T. Peck, A. A. Wilder, S. Johnson, L. Kenake, J. M. Oat, G. H. Paris, G. H. Keen, A. Lewis, J. H. Fisher, C. D. Chase, W. H. Hoogs, Mr. Winston, Captain Pratt, W. W. Harris, Judge Humphreys, J. W. Jones, B. H. Wright, A. G. M. Robertson, A. W. Pearson, L. Andrews, Treasurer Wright, R. Boyd, E. S. Boyd, Dr. Gentry, M. Campbell, W. E. Fisher, F. J. Testa, A. Brown, William J. Coelho.

The officers of the U. S. gunboat Manilla have been entertained extensively during the week, and have in turn given a number of small luncheons and dinner parties.

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BIDS FOR FILLING M'KINLEY PARK

Bids for the filling of the tract which it is proposed shall be the site for the McKinley Memorial park, will be received up to noon today at the Bank of Hawaii, and the prospect is that the bid will be sufficiently low to make it possible to raise the funds needed for the improvement of the grounds.

A number of bidders have made estimates of the amount of filling and have returned in bids, and some of these are understood to be very low. When the bids have been opened by the committee the plan is to have the bids tabulated and further estimates made as to the total cost of the work. There will then be held a meeting of the committee, when it is expected action will be taken for the purchase of the site.

Many members of the committee favor the purchase at the option price, as it is considered a fair one, after which the land can be allowed to lie idle if there is any question as to the immediate improvement.

NO LOSS OF TIME.

I have sold Chamberlain's Colic, Cholera and Diarrhoea Remedy for years, and would rather be out of coffee and sugar than it. I sold five bottles of it yesterday to threshers that could go no farther, and they are at work again this morning."—H. R. Phelps, Plymouth, Okla., U. S. A. As will be seen by the above the threshers were able to keep on with their work without losing a single day's time. You should keep a bottle of this Remedy in your home. For sale by all dealers and druggists. Benson Smith & Co., Ltd., agents for Hawaii.

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KONA IS READY

All Improvements Are in Shape for Operation This Week.

Advices from Kona show that the plantation is working at good speed and that within the next week there should be started every branch of the service to its fullest extent.

This would mean that the mill would begin working with the new triple effect which will make it possible to turn out 40 tons of sugar a day. The railroad and the new cable line of wire cable will be ready for service at that time, and the whole plantation will be put under full swing.

The first shipment of Kona sugar here from the mill, came to Hackfeld & Company yesterday in the Mauna Loa. This consisted of 3000 bags. The sugar represents the excess over the sales in the immediate vicinity, and was immediately transhipped for transport to the coast. The mill is now being run with sufficient speed to keep all bills paid so that there is no greater debt being piled up for the purpose of taking off the sugar or making the improvements.

All reports are that the cane is turning out well and that the prospects are of the best.

BOYD HERE FROM TRIP TO HILO

Supt. James H. Boyd of the Department of Public Works returned on the Kinau Saturday from a brief trip to Hilo on business connected with his department. The principal result of Mr. Boyd's visit was the conclusion of negotiations for the extension of Bridge street and the allotment of homesteads to about thirty Hawaiians. Mr. Boyd also inspected the road work in the district, and the new Hilo wharf on which good progress is being made.

"Negotiations are about completed for the extension of Bridge street," said Mr. Boyd yesterday. "The roadway must be acquired from the property owners along the proposed extension, and a considerable portion has already been secured. All the plans were completed for the extension, which will be a distance of half a mile from King street to the Volcano road, and the remainder of the work is left in the hands of the road board."

Allotment was made also to twenty-eight Hawaiians of government homestead lots in Nakaoku and there are a number of applications still to be settled in that district.

"There was nothing new from the Volcano, and no one knew anything of its reported activity, in sending out large volumes of black smoke and steam. We could see nothing from the boat, and tourists who had just returned from the volcano and were on the boat, said nothing of it."

IS MURDERER HADLEY HERE?

San Francisco detectives think that Hadley, the murderer of Nora Fuller, came to Honolulu. The Chronicle says:

After Hadley had thrown down the paper of January 16th he left the house, greatly distressed in mind, and did not return. He was seen that evening at Lotta's fountain at 5 o'clock; since that time he has not been seen. Railroad tickets sold on that date have been examined, those of one road being in Tokyo, Kas. They proved disappointing. Then work began on the steamer lines. The Oceanic steamship Ventura, for Honolulu, Pago Pago, Auckland and Sydney, did not sail on January 16 until 10 p. m., having been delayed five hours by the non-arrival of Eastern mails. This fact ascertained on board, were made of the crew yesterday and a photograph of Hadley shown to the stewards. Several were sure the face was familiar, and one, a second cabin steward, was almost certain that it was the photograph of a second cabin passenger who had left the steamer at Honolulu. A call at the office of the steamship company developed the fact that two or three men had booked as second cabin passengers just before the office closed. While the booking hour is not on the ticket, yet the name of the steamer having been written in would show that it was so late that the office stamp had been put away. If a passenger has baggage the fact is noted on the ticket by a "B" punch mark. There is a ticket without the "B" mark. The name is immaterial, for it might not be Hadley. The records of the passenger as to the bookings on board the steamer after the office closed were not available yesterday at the hour the inquiry was made. If Hadley was on that steamer it is but natural for him to have left it at Honolulu and taken another line to Japan or China, or some other place in the Orient away from cable communication. He might as well have gone to New York as to Sydney. Then, he might be reasonably excused for secluding himself from the rest of the passengers for the few days' run to the islands, but to do so on the voyage to Australia would have been sure to arouse suspicion. It is only a long chance that the late passenger without baggage was Hadley, but, as the police have heretofore overlooked no chances, it is probable that they will take this one up and run it down.

SCIATIC RHEUMATISM CURED AFTER FOURTEEN YEARS OF SUFFERING.

"I have been afflicted with sciatic rheumatism for fourteen years," says Josh Edgar, of Germantown, Cal., U. S. A. "I was able to be around but constantly suffered. I tried everything I could hear of and at last was told to try Chamberlain's Pain Balm, which I did and was immediately relieved and in a short time cured, and I am happy to say it has not since returned." Why not use this liniment and get well? It is for sale by all dealers and druggists. Benson Smith & Co., Ltd., agents for Hawaii.

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Beauty, splendor, elegance! Rich and heavy braids! Long and flowing tresses!

Ayer's Hair Vigor feeds the hair and makes it grow long and heavy. It stops falling of the hair, completely cures dandruff, and keeps the scalp clean and healthy.

As a dressing for the hair you will certainly be greatly pleased with it.

Ayer's Hair Vigor

You can always rely upon it for restoring color to your gray hair, all the full, rich color it had in early life. There is no doubt about this. You need have no fear of being disappointed. We speak with a knowledge that covers over fifty years of experience with this valuable preparation.

Do not be deceived by cheap imitations which will only disappoint you. Make sure that you get the genuine Ayer's Hair Vigor.

Prepared by Dr. J. C. Ayer & Co., Lowell, Mass., U.S.A.

HOLLISTER DRUG CO., Agents.

Five Beautiful Presents

AND USEFUL

- 1 Jewel 6 Hole Range.
- 1 Gurney 4 Door Refrigerator.
- 1 Decorated China Dinner, Breakfast and Tea Set.
- 1 Etched Glass Complete Table Service.
- 1 Complete Set of Table Silverware and Cutlery.

The price of each of the above mentioned articles is \$40. These will be given away on July 1st to customers who purchase goods of us on or after March 15, 1902. For the purpose of distributing these goods to those entitled to receive them we will, commencing March 15th, present a numbered certificate of purchase to each purchaser of one dollar's worth of goods at our store. This will be in addition to the usual 5 per cent off for cash.

These desirable gifts are now on exhibition in our large front windows. They will be distributed fairly among our customers, and in accordance with law.

W. W. Dimond & Co. LIMITED,
112-57 King Street, Honolulu.

INSURANCE

Theo. H. Davies & Co. (Limited.)
AGENTS FOR FIRE, LIFE AND MARINE INSURANCE.

Northern Assurance Company.
OF LONDON, FOR FIRE AND LIFE. Established 1836. Accumulated Funds £3,975,000.

British and Foreign Marine Ins. Co.
OF LIVERPOOL, FOR MARINE CAPITAL £1,000,000.

Reduction of Rates. Immediate Payment of Claims.

THEO. H. DAVIES & CO., LTD. AGENTS.

Mr. A. A. Young will be the host at an elaborate dinner to be given at the Hawaiian Hotel on Thursday evening.